THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3972 of 2005

Dated: 20.09.2005

Between:

T. Ramakrishna S/o. Suryanarayana

and others.

..... PETITIONERS

AND

Divisional Engineer (Assessment),

Eastern Power Distribution Company of A.P. Ltd.,
Rajahmundry and others.

....RESPONDENTS

ORDER:

The petitioners were issued orders of provisional assessment, dated 20.01.2005, 28.01.2005 and 31.01.2005, indicating that the inspection conducted on the service connections of the petitioners revealed that there was pilferage of power valued at Rs.14,771/-, 30,525/-, 40,354/- and Rs.57,979/- respectively. The petitioners were required to pay half of the said amounts to ensure continuance of power supply.

Petitioners feel aggrieved by the same.

Heard learned counsel for the petitioners and the learned standing counsel for the respondents.

The petitioners were served with orders of provisional assessment and further steps are required to be taken in accordance with Section 126 of the Electricity Act, 2003. The section does not provide for payment of any amount covered by the order of provisional assessment. It is only after an order of final assessment is passed that the actual liability of the same would arise. In W.A.Nos.452 and 477 of 2004, a Division Bench of this Court through its order, dated 11.03.2004, held that a consumer cannot be required to make any payment on the strength of an order of provisional assessment.

Following the same, the writ petition is allowed, and it is directed that the power supply to the petitioners shall be restored without insisting on payment of any amount on the strength of the orders of provisional assessment. The petitioners shall be liable to pay the amount only after the orders of final assessment are passed. It is further directed that the continuance of power supply to the petitioners shall be subject to payment of the consumption charges by the petitioners. There shall be no order as to costs.

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(K.C.BHANU, J)

20.09.2005

vs